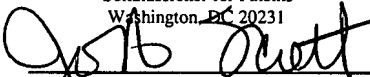


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

§
§ Examiner: Kien T. Nguyen
§ Group/Art Unit: 3712
§ Atty. Dkt. No: 5049-07600/EBM

CERTIFICATE OF MAILING
 UNDER 37 C.F.R. § 1.8
 DATE OF DEPOSIT: 2-4-02
 I hereby certify that this correspondence is being deposited with
 the United States Postal Service with sufficient postage as first
 class mail on the date indicated above and is addressed to:
 Commissioner for Patents
 Washington, DC 20231


 Jo Ann Scott

3/6/02
C. R. S.
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STON HALL ROOM

The Notice of Abandonment mailed on December 4, 2001 stated that a timely reply was not filed and that no reply to the Notice of Non-Compliant Amendment mailed on August 15, 2001 was received. Applicant prepared a Response to Notice of Non-Compliant Amendment and mailed said response on October 17, 2001. Applicant has included a copy of the Response to Notice of Non-Compliant Amendment as Exhibit A. In addition, Applicant included with said response a request for a two month extension of time to respond to the Notice of Non-Compliant Amendment dated August 15, 2001 and a fee authorization form in the amount of \$200.00 for the

extension of time fee. Applicant has included a copy of the fee authorization form as Exhibit B. Applicant received a Return Postcard postmarked January 9, 2002 on January 14, 2002 acknowledging receipt of the aforementioned response and fee authorization on January 3, 2002 by the U.S. Patent and Trademark Office. Applicant has included a copy of the Return Postcard as Exhibit C.

37 CFR 1.135(c) states "When reply by the applicant is a *bona fide* attempt to advance the application to final action, and is substantially a complete reply to the non-final Office action, but consideration of some matter or compliance with some requirement has been inadvertently omitted, applicant may be given a new time period for reply under § 1.134 to supply the omission."

Further, the MPEP states "If an amendment submitted after March 1, 2001, fails to comply with 37 CFR 1.121 (as revised on September 8, 2000), the Office will notify applicant by a Notice of Non-Compliant Amendment, that the amendment fails to comply with the requirements of 37 CFR 1.121 and applicant will be given a period of time in which to comply with the rule. ... If the amendment which fails to comply with the requirements of the rule is an amendment after a non-final Office action, the LIE will send the Notice which sets a time limit of 30 days or one month, whichever is later, for reply (37 CFR 1.135). Extensions of time are permitted (37 CFR 1.136(a))." (see MPEP § 714.03)

The Notice of Non-Compliant Amendment mailed on August 15, 2001 indicated that a marked-up version of the replacement paragraph(s)/section(s) was not included with the response filed on July 30, 2001. Applicant submits that Applicant's reply was a "*bona fide* attempt to advance the application to final action" and the exclusion of a marked-up version of the replacement paragraph(s)/section(s) was an inadvertent omission. Applicant submits that a reply

09/369,754
Jeffery W. Henry

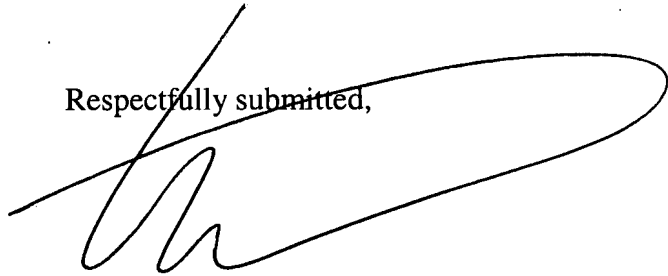
to the Notice of Non-Compliant Amendment was mailed on August 15, 2001 in a timely manner.

Applicant further submits that in the Notice of Non-Compliant Amendment the Examiner did not indicate that an extension of time was not available. Applicant has included a copy of the Notice of Non-Compliant Amendment as Exhibit D.

Applicant respectfully requests entry of this Response in the application and request that the Notice of Abandonment be withdrawn.

No fees are enclosed for this response, however, should any fees be required, please charge those fees to Conley, Rose, & Tayon, P.C. Deposit Account Number 50-1505/5049-07600/EBM.

Respectfully submitted,



Eric B. Meyertons
Reg. No. 34,876

Attorney for Applicant

CONLEY, ROSE & TAYON, P.C.
P.O. BOX 398
AUSTIN, TX 78767-0398
(512) 703-1254 (voice)
(512) 703-1250 (facsimile)

Date: 2/4/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

~~~~~

Washington, DC 20231  
Elda T. Gonzalez

## 1

a first movable member formed in a wall of the chamber, the first movable member being positioned to allow the person and water to move between the first body of water and the ~~first~~ chamber when the first movable member is open during use;

a second movable member formed in the wall of the chamber, the second movable member being positioned to allow the person and water to move between the second body of water and the chamber when the second movable member is open during use;

a bottom member positioned within the chamber, wherein the bottom member is positionable below the upper surface of water within the chamber during use;

a first conduit coupled to the chamber for conducting water to the chamber during use;  
and

a first water control system positioned along the first conduit, the first water control system being configured to control the flow of the water through the first conduit during use.

25. (amended) The system of claim 1, ~~wherein the person is riding a flotation device, and further comprising a flotation device for supporting the person, wherein the system is further configured to convey the person and the flotation device without the person dismounting supported by the~~ flotation device.

75. (amended) An amusement park system, comprising:

a water ride, ~~wherein the water ride is~~ configured to convey a person from an upper body of water to a lower body of water; and

a water lock system, the water lock system comprising:

a chamber for holding water, the chamber being coupled to the lower body of water and the upper body of water;

a first movable member formed in the wall of the chamber, the first movable member being positioned to allow the person and water from the first body of water to enter the first chamber when the first movable member is open during use;

a second movable member formed in the wall of the chamber, the second movable member being positioned to allow the person and water from the chamber to enter the second body of water when the second movable member is open during use;

a bottom member positioned within the chamber, wherein the bottom member is positionable below the upper surface of water within the chamber during use;


a first conduit coupled to the chamber for conducting water to the chamber during use; and

a first water control system positioned along the first conduit, the first water control system being configured to control the flow of water through the first conduit during use.

Henry  
5049-07600

Applicant respectfully requests a two month extension of time to respond to the Notice of Non-Compliant Amendment dated August 15, 2001. A fee authorization form in the amount of \$200.00 is enclosed for the extension of time fee. If any further extension of time is required, Applicant hereby requests the appropriate extension of time. If any fees are inadvertently omitted or if any additional fees are required or have been overpaid, please appropriately charge or credit those fees to Conley, Rose & Tayon Deposit Account No. 50-1505/5049-07600/EBM.

Respectfully submitted,



Mark R. DeLuca  
Reg. No. 44,649

Patent Agent for Applicant

CONLEY, ROSE & TAYON, P.C.  
P.O. BOX 398  
AUSTIN, TX 78767-0398  
(512) 703-1423 (voice)  
(512) 703-1250 (facsimile)

Date: 10/17/01

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 09/369,754

Filed: August 6, 1999

Inventor(s):

Jeffery W. Henry

Title: AMUSEMENT PARK  
WATER LOCK SYSTEM  
AND METHOD OF USE

Examiner: Nguyen, K.T.

Group/Art Unit: 3712

Atty. Dkt. No: 5049-07600

CERTIFICATE OF MAILING  
UNDER 37 C.F.R. §1.8

DATE OF DEPOSIT: October 17, 2001

I hereby certify that this correspondence is being deposited with  
the United States Postal Service with sufficient postage as first  
class mail on the date indicated above and is addressed to:

Assistant Commissioner for Patents  
Washington, DC 20231

*Elda T. Gonzalez*  
Elda T. Gonzalez

FEE AUTHORIZATION

Commissioner for Patents  
Washington, D.C. 20231

The Commissioner is hereby authorized to charge the following fees to Conley, Rose & Tayon,  
P.C. Deposit Account Number 50-1505/5049-07600:

\$200.00 - Two Month Extension of Time Fee

Total Amount: \$200.00

Attorney Docket No.: 5049-07600



Jeffery W. Henry  
09/369,754

The Commissioner is also authorized to charge any extension fee or other fees which may be necessary to the same account number. If the above mentioned account is found to have insufficient funds, the Commissioner is authorized to charge Conley, Rose & Tayon, P.C. Deposit Account Number 50-1623/5049-07600.

Respectfully submitted,



Mark R. DeLuca  
Reg. No. 44,649

Patent Agent for Applicant

CONLEY, ROSE & TAYON, P.C.  
P.O. BOX 398  
AUSTIN, TX 78767-0398  
(512) 703-1423 (voice)  
(512) 703-1250 (facsimile)

Date: 10/17/01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Jeffery W. Henry  
Filing Date: August 6, 1999  
Title: AMUSEMENT PARK WATER LOCK SYSTEM  
AND METHOD OF USE  
Atty. Dkt. No.: 5049-07600/EBM

The date stamp of the mail room of the U.S. Patent and Trademark Office hereon will acknowledge receipt of the attached 1) Response to Notice of Non-Complaint Amendment Mailed August 15, 2001 (4 pages); 2) A fee authorization form in the amount of \$200.00 (2 pages); and 3) A Return Postcard.

EBM:etg Via First Class Mail Date: October 17, 2001



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Jeffery W. Henry  
Filing Date: August 6, 1999  
Title: AMUSEMENT PARK WATER LOCK SYSTEM  
AND METHOD OF USE  
Atty. Dkt. No.: 5049-07600/EBM

The date stamp of the mail room of the U.S. Patent and Trademark Office hereon will acknowledge receipt of the attached 1) Response to Notice of Non-Complaint Amendment Mailed August 15, 2001 (4 pages); 2) A fee authorization form in the amount of \$200.00 (2 pages); and 3) A Return Postcard.

EBM:etg Via First Class Mail Date: October 17, 2001



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
|-----------------|-------------|----------------------|---------------------|
|-----------------|-------------|----------------------|---------------------|

09/369,754 08/06/99 HENRY

J 5049-07600

QM21/0815

ERIC B. MEYERTONS, ESQ.  
CONLEY ROSE & TAYON, P. C.  
P. O. BOX 398  
AUSTIN TX 78767-0398

EXAMINER

NGUYEN, K

ART UNIT

PAPER NUMBER

3712  
DATE MAILED:

08/15/01

## Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment filed on 8/2/01 is considered non-compliant because it has not been submitted in the format required under 37 CFR 1.121, as amended on September 8, 2000 (see 65 Fed. Reg. 54603, Sept. 8, 2000, and 1238 O.G. 77, Sept. 19, 2000).

- ☐ 1. The amendment does not include a clean version of the replacement paragraph(s)/section(s). 37 CFR 1.121(b)(1)(ii).
- ☒ 2. The amendment does not include a marked-up version of the replacement paragraph(s)/section(s). 37 CFR 1.121(b)(1)(iii).
- ☐ 3. The amendment does not include a clean version of the amended claim(s). 37 CFR 1.121(c)(1)(i).
- ☐ 4. The amendment does not include a marked-up version of the amended claim(s). 37 CFR 1.121(c)(1)(ii).
- ☐ 5. Other no mark up copy of claims 1, 25, 75

Thanks

- ☐ PRELIMINARY AMENDMENT: Unless applicant re-submits the preliminary amendment in compliance with revised 37 CFR 1.121 within ONE MONTH of the mail date of this letter, examination on the merits may commence without entry of the originally proposed preliminary amendment. This notice is not an action under 35 U.S.C. 132, and this ONE MONTH time limit is not extendable.
- ☐ AMENDMENT AFTER NON-FINAL ACTION: Since the above mentioned reply appears to be *bona fide*, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

For your convenience, attached to this correspondence is a copy of an informational flyer (MPEP Bookmark Bulletin on "Simplified Amendment Practice").

B. L. Ross-Brooks  
Legal Instruments Examiner

DOCKETED

BY: \_\_\_\_\_

DATE: 8/20

AUG 20 2001

# Changes to the Patent Rules

October 20, 2000

Volume 1, Issue 3

This is the third in a series of Patent News Bulletins to assist you in keeping up to date with significant rule changes which affect your area. Keep this copy to use as a bookmark for your present MPEP, or view this bulletin again on the USPTO Website.



## Simplified Amendment Practice. Replacement paragraphs/sections/claims to be used. 37 CFR 1.121

The rule package "Changes to the Patent Business Goals - Final Rule," published in the Federal Register on September 8, 2000, 65 Fed. Reg. 54603 (Sept. 8, 2000), and the Official Gazette on September 19, 2000, 1238 Off. Gaz. Pat. Office 77 (September 19, 2000). The PBG rule package makes a number of revisions to Title 37.

The entire final rule may be found at the USPTO Website at <http://www.uspto.gov/web/offices/dcom/ola/pbg/index.html>.

Areas and individuals primarily affected by this rule change include:  
(1) Patent Examiners and Tech Support Staff in the Technology Centers  
(2) Office of Patent Publication

Any questions related to this change in practice should be directed to Joe Narcavage, Special Projects Exr., (703-305-1795) or Liz. Dougherty, Legal Advisor, (703-306-3156) OPLA.



Mandatory compliance with the revised rule is not required until March 1, 2001. It is suggested that applicants adopt the revised procedures on or after November 7, 2000, in order to adjust to the changes in amendment practice.

Under the new amendment practice, amendments to the specification must be made by the submission of clean new or replacement paragraph(s), section(s), specification, or claim(s). This practice will provide a specification (including claims) in clean, or substantially clean, form that can be effectively captured and converted by optical character recognition (OCR) scanning during the patent printing process.

The new practice requires applicant to provide, in addition to the clean version of a replacement paragraph/section/claim, a marked-up version using applicant's choice of a conventional marking system to indicate the changes, which will aid the examiner in identifying the changes that have been made. The marked-up version must be based on the previous version and indicate (by markings) how the previous version has been modified to produce the clean version submitted in the current amendment. The term "previous version" means the version of record in the application as originally filed or from a previously entered amendment.

The following format is suggested in an amendment paper: (1) a clean version of each replacement paragraph/section/claim with clear instructions for entry; (2) starting on a separate page, any remarks/arguments (37 CFR 1.111); and (3) starting on a separate page, a marked-up

version entitled "Version with markings to show changes made."

Applicants will also be able to submit a clean set of all pending claims, consolidating all previous versions of pending claims from a series of separate amendments into a single clean version in a single amendment paper. This submission of a clean version of all of the pending claims will be construed as directing the cancellation of all previous versions of any pending claims. No marked-up version will be required to accompany the clean version where no changes other than the consolidation are being made.

The amended rule encourages issuance of applications with an examiner's amendment without practitioners/applicants having to file a formal amendment. Additions or deletions of subject matter in the specification, including the claims, may continue to be

made in an examiner's amendment at the time of allowance by instructions to make any change at a precise location in the specification or the claims. An examiner's amendment may incorporate a printed copy of a fax or e-mail amendment submitted by applicant. Only that part of the e-mail or fax directed to a clean version, or a portion of, a paragraph/claim to be added should be printed and attached to the examiner's amendment, with a paper copy of the entire e-mail or fax being entered in the file. The electronic version of the e-mail is not required to be saved once the printed e-mail (and any attachments) becomes part of the application file record.

*Amendment by  
paragraph/claim  
replacement in clean form.*

MPEP 714+ &amp; 1302.04